

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PHILIP D. BRENT, *individually and on behalf of all*
others similarly situated,

Plaintiff,

-v-

PRESIDENTIAL LIFE CORPORATION et al.,

Defendants.
-----X

USDC SDNY
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12 Civ. 7894 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

On January 11, 2013, Plaintiff filed a Motion to Dismiss Claims Pursuant to Federal Rule of Civil Procedure 41(a)(2) and to Retain Jurisdiction over Plaintiff's Motion for an Award of Attorneys' Fees. (Docket No. 35). As Defendants have not filed an answer or a motion for summary judgment, Plaintiff is entitled to voluntarily dismiss this action without a court order pursuant to Federal Rule of Civil Procedure 41(1)(a)(i). In light of this, the Court will deem Plaintiff's Motion to Dismiss to be a notice of the voluntary dismissal of its Complaint. Accordingly, Plaintiff's Complaint is hereby dismissed without prejudice.

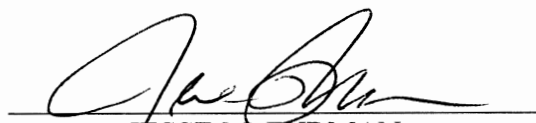
The Court will retain jurisdiction over this action to rule on any application for an award of attorney's fees. It is hereby ORDERED that any such application for attorney's fees must be filed no later than **January 30, 2013**. Opposition to any application shall be filed within **fourteen days** of service of the application. Any reply is to be filed **seven days** thereafter.

It is further ORDERED that the Initial Pretrial Conference scheduled for January 29, 2013, is adjourned *sine die*.

The Clerk of Court is directed to terminate Plaintiff's Motion to Dismiss (Docket No. 35) and to close this case.

SO ORDERED.

Dated: January 16, 2013
New York, New York



JESSE M. FURMAN
United States District Judge